

Appl. No. 10/066,986
Amendment and/or Response
Reply to Office action of 1 February 2005

Page 6 of 11

Amendments to the Drawing Figures:

The attached drawing sheet includes proposed changes to FIGs. 1-3 and replaces the original sheet including FIGs. 1-3.

An annotated marked-up drawing is also included, as required by the Office action.

Attachment: Replacement Sheet and Annotated Marked-up Drawing

Appl. No. 10/066,986
Amendment and/or Response
Reply to Office action of 1 February 2005

Page 7 of 11

REMARKS / DISCUSSION OF ISSUES

The applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s).

Claims 1-11 are pending in the application. Claims 5-11 are newly added, and find support at pages 5 and 6, and elsewhere, in the applicant's specification.

The applicant again traverses the prior election requirement, and requests the Examiner's attention to MPEP 803:

803 Restriction - When Proper

Under the statute an application *may* properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent (MPEP § 806.04 - § 806.04(i)) or distinct (MPEP § 806.05 - § 806.05(i)).

If the search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, *even though it includes claims to independent or distinct inventions*.

CRITERIA FOR RESTRICTION BETWEEN PATENTABLY DISTINCT INVENTIONS

There are *two* criteria for a proper requirement for restriction between patentably distinct inventions:

- (A) The inventions must be independent (see MPEP § 802.01, § 806.04, § 808.01) or distinct as claimed (see MPEP § 806.05 - § 806.05(i)); *and*
- (B) There must be a serious burden on the examiner if restriction is required (see MPEP § 803.02, § 806.04(a) - § 806.04(i), § 808.01(a), and § 808.02).

As is clear in this directive, an invention may be restricted to one of two or more claimed inventions, only if the search and examination of the entire application imposes a serious burden on the Examiner. If the search and examination of the entire application can be made without serious burden, MPEP 803 mandates that the Examiner *must* examine it on the merits, even though it includes claims to independent or distinct inventions.

In response to the applicant's traversal of this restriction requirement, the Examiner does not refute the fact that the examination of the entire application can be made without serious burden, but instead notes that "a restriction is proper when one of two or more claimed inventions can support separate patents." This response

Appl. No. 10/066,986
Amendment and/or Response
Reply to Office action of 1 February 2005

Page 8 of 11

is inconsistent with MPEP 803 "Restriction - When proper", because it only addresses the first of the two criteria that are required for a "proper requirement for restriction".

In view of MPEP 803, the applicant respectfully maintains that the restriction is not proper, and respectfully requests an examination of the entire application, as mandated by MPEP 803.

Claims are amended for non-statutory reasons: to correct one or more informalities, remove figure label number(s), and/or to replace European-style claim phraseology with American-style claim language. The claims are not narrowed in scope.

The Office action objects to the drawings. Replacement and Marked-up sheets are attached, and the specification is amended herein to correct a typographical error that referenced FIG. 5 instead of FIG. 6. The applicant thanks the Examiner for this attention to detail.

The Office action objects to the specification. The applicant respectfully traverses this objection. The Office action asserts that the specification includes terms that are unclear, inexact or verbose, but fails to provide examples of such terms. The applicant respectfully maintains that, even though the specification is a translation, the specification is written in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains to make and use the invention, as required by 35 U.S.C. 112, first paragraph.

The applicants thank the Examiner for providing information about recommended section headings. However, the applicants respectfully decline to add the headings. Section headings are not statutorily required for filing a non-provisional patent application under 35 USC 111(a), but per 37 CFR 1.51(d) are only guidelines that are suggested for applicant's use. (See Miscellaneous Changes in Patent Practice, Response to comments 17 and 18 (Official Gazette, August 13, 1996) [Docket No: 950620162-6014-02] RIN 0651-AA75 ("Section 1.77 is permissive

Appl. No. 10/066,986
Amendment and/or Response
Reply to Office action of 1 February 2005

Page 9 of 11

rather than mandatory. ... [T]he Office will not require any application to comply with the format set forth in 1.77").

The Office action rejects claims 1, 3, and 4 under 35 U.S.C. 112, second paragraph. The applicant respectfully traverses this rejection. In the interest of advancing prosecution in this case, however, the phrase "extending as far as connections for the electrodes and the connection conductors" that the Examiner finds "confusing" has been deleted from the claims. This deletion does not narrow the scope of the claims.

The Office action rejects claims 1 and 4 under 35 U.S.C. 102(b) over Hermens et al. (USP 5,706,069, hereinafter Hermans). The applicant respectfully traverses this rejection.

The Examiner's attention is respectfully requested to MPEP 2131, wherein it is stated:

"A claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The *identical invention* must be shown in as *complete detail* as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

In each of claims 1 and 4, the applicant claims a method of manufacturing a plurality of display cells that includes arranging at least a first group of electrodes and a second group of electrodes for driving pixels via switching elements on a first substrate.

The Office action asserts that Hermens' electrodes 7 and electrodes 9 correspond to the applicant's claimed first and second groups of electrodes. The applicant notes, however, that Hermens specifically teaches that the electrodes 7 are arranged on Hermens' first supporting plate 1, and that the electrodes 9 are arranged on Hermens' second supporting plate 2 (Hermens, column 3, lines 8-19), whereas the applicant claims electrodes on the same substrate.

Because Hermens does not teach first and second electrodes on a first substrate for driving pixels of a display cell, as specifically claimed in claims 1 and 4,

Appl. No. 10/066,986
Amendment and/or Response
Reply to Office action of 1 February 2005

Page 10 of 11

the applicant respectfully requests the Examiner's reconsideration of the rejection of claims 1 and 4 under 35 U.S.C. 102(b) over Hermens.

The Office action rejects claim 3 under 35 U.S.C. 103(a) over Hermens and Nakahara (JP 11295755). The applicant respectfully traverses this rejection.

Claim 3 specifically claims a method of manufacturing a plurality of display cells that includes interconnecting at least one of the first group of electrodes and the connection conductors of two or more cells of a plurality of display cells, providing test patterns on the at least one of the electrodes or the connection conductors of the two or more cells, and determining a response of each of the two or more cells.

The Office action acknowledges that Hermens does not teach interconnecting electrodes or connection conductors of multiple cells, and applying test patterns to such interconnected electrodes/conductors. The Office action relies upon Nakahara for this teaching.

The applicant respectfully notes, however, that Nakahara teaches extending the conductors of each display cell to test each cell, and neither teaches nor suggests interconnecting the electrodes/conductors of multiple cells to perform such testing.

Because neither Hermens nor Nakahara, individually or collectively, teach or suggest interconnecting at least one of the first group of electrodes and the connection conductors of two or more cells of a plurality of display cells, providing test patterns on the at least one of the electrodes or the connection conductors of the two or more cells, and determining a response of each of the two or more cells, as specifically claimed in claim 3, the applicant respectfully requests the Examiner's reconsideration of the rejection of claim 3 under 35 U.S.C. 103(a) over Hermens and Nakahara.

Appl. No. 10/066,986
Amendment and/or Response
Reply to Office action of 1 February 2005

Page 11 of 11

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Robert M. McDermott
Reg. 41,508
Att'y for Applicant(s)

1824 Federal Farm Road
Montross, VA 22520
Phone: (804) 493-0707
Fax: (215) 243-7525